IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY THE TWENTY FIRST DAY OF FEBRUARY,
TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3423 of 2007

Between:
K.Satyanarayan Reddy S/o Gopal Reddy, R/o.2-6-1126, KLN Reddy Colony, Hanumkonda, Warangal District.

.....
Petitioner

AND

1. Election Commission of India, rep. Chief Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi.
2. Chief Electrol Officer, and E.O., Principle Secretary, to Govt. of A.P., Hyderabad.
3. State Election Commission, 3rd floor, Buddaha Bhavan, Secunderabad.
4. The Returning Officer/District Collector, Nalgonda, Nalgonda District.
5. The District Collector, Warangal.
6. The Revenue Divisional Officer, Warangal District.
7. The Mandal Revenue Officer, Hanmakonda Mandal, Warangal District.

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order more especially one in the name of Writ of Mandamus declaring the action of the 3rd respondent upon the instruction of 1st respondent in issuing the memo No.3597/Elecs/E/A2/2006-86 dated 15.2.2007, which confines nomination during ensuring Council Election to the existing Electoral Rolls of 2006 for the purpose of filing nomination, as illegal, arbitrary, capricious and against the rules and regulations and consequently suspend the operation of the memo No.3597/Elecs/E/A2/2006-86 dated 15.2.2007 as far as restraining the filing of nominations to the existing electoral rolls of 2006 and consequentially direct the respondents to receive the nomination of the petitioner for the Legislative Council Teachers constituency of Nalgonda, Warangal and Khammam on or before 22.02.2007 and consequentially direct the respondents not to reject the nomination of the petitioner pending this writ petition.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri K. V. R. Prasad, Advocate for the

Petitioner and of Smt. C. Jayasree Sarathy, S.C. for Election Commission of India, for the Respondent No. 1 and of the Govt. Pleader for GAD for the Respondent No. 2 and of Sri V.V. Prabhakar Rao, S.C. for Chief Election Commission for the Respondent No. 3 and of the Govt. Pleader for Revenue on behalf of the Respondent Nos. 4 to 7, the Court made the following

(Contd. 2.)

ORDER:

"Heard the learned counsel for the petitioner and learned Government Pleader for General Administration Department.

The petitioner stated that his name was included at Sl. No. 266 in the voters' list of Hanamkonda Assembly Constituency, published in the year 2005, and at Sl. No. 229, of the list of 2006 of the same Constituency, but was deleted in the draft roll, of the year 2007. On an application made by him, his name is said to have been included by the Revenue Divisional Officer, Warangal, the 6th respondent herein. He desires to file his nomination for the Teachers' Constituency of Nalgonda, Warangal and Khammam, of the A.P. Legislative Council.

In P.T. Rajam v. T.P.M. Sahir ((2003) 8 SCC 498), the Supreme Court held that publication of voters' list is only a ministerial act, and if the name is included, the rights can be exercised by the individual.

Hence, there shall be interim direction, to the effect that the nomination of the petitioner for the Teachers' Constituency of Nalgonda, Warangal and Khammam, of the A.P. Legislative Council, shall be received, it is otherwise in order, provided his name is included in the voters' list of the Assembly Constituency, notwithstanding that it was not published. The 6th respondent shall issue necessary endorsement, in this regard, forthwith.

Post on 27-02-2007 in the motion list for admission."

Sd/- K. LAKSHMINARAYANA
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Chief Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi.
2. Chief Electrol Officer, and E.O., Principle Secretary, to Govt. of A.P., Hyderabad.
3. State Election Commission, 3rd floor, Buddaha Bhavan, Secunderabad.
4. The Returning Officer/District Collector, Nalgonda, Nalgonda District.
5. The District Collector, Warangal.
6. The Revenue Divisional Officer, Warangal District.
7. The Mandal Revenue Officer, Hanmakonda Mandal, Warangal District.
8. Two CCS to the Govt. Pleader for GAD, High Court of A.P., Hyderabad. (OUT)
9. Two CCS to the Govt. Pleader for Revenue, High Court of A.P., Hyderabad. (OUT)
10. One CC to Sri K. V. R. Prasad, Advocate (OPUC)

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